

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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QUINGHAI ZENG, :
: Plaintiff, :
: :
-against- : :
: :
THE PARC HOTEL LLC, et al., :
: Defendants. :
: :
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GOLD, STEVEN M., U.S. Magistrate Judge:

Plaintiff brings this action under the Fair Labor Standards Act. On August 24, 2018, counsel for plaintiff submitted a letter seeking leave to withdraw. Docket Entry 35. The letter reported that plaintiff had not been responsive to counsel's efforts to reach her and was not cooperating with counsel's efforts to move the case forward. *Id.*

I scheduled a conference for September 7, 2018 at 4:30 p.m. to address counsel's letter application seeking leave to withdraw. My scheduling order stated that plaintiff Zeng was required to attend, and alerted Zeng that I would grant her counsel's motion to be relieved and recommend dismissal for failure to prosecute if she did not appear. Order dated August 28, 2018. As the Order required, plaintiff's counsel served plaintiff with a copy of it and filed proof of having done so. Docket Entry 37.

Plaintiff Zeng failed to appear for the conference on September 7, 2018, and has not otherwise communicated with the Court. Accordingly, the application of plaintiff's counsel for leave to withdraw is granted. In addition, for the reasons stated above, and unless plaintiff submits a letter to the Court indicating she seeks to proceed with this action within the time for filing objections, I respectfully recommend that this action be dismissed with prejudice for

failure to prosecute, and that the Clerk of Court be requested to close the case.

Any objections to the recommendation contained in this Report must be filed with the Clerk of the Court within fourteen days of the date of this Report, and in any event, no later than September 21, 2018. Failure to object to this Report may waive the right to appeal the District Court's Order. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

Plaintiff's counsel shall promptly serve a copy of this Report and Recommendation on plaintiff, together with a copy of the Report and Recommendation, translated if necessary for plaintiff's comprehension into plaintiff's primary language, and file proof of service with the Court

/s/
STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

Brooklyn, New York
September 7, 2018

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